

REMARKS

The reason for these further comments is that one of the co-inventors of this application provided the undersigned attorney certain comments on the Kakibayashi et al. reference relied upon by the Examiner, which comments were delayed in transmission and were not therefore incorporated into the Remarks of the already filed Amendment. These further comments are highly germane to distinguishing that Kakibayashi et al. reference and therefore are noted here.

Specifically, and as already noted the distinctions between the present device (as now claimed) and the Kakibayashi et al. reference are fundamental. Kakibayashi et al. relates to a scanning electron microscope. There is no concern in such reference with examining a specimen at a focal plane of interest, where other planes in the sample are out of such focal plane. Kakibayashi's scanning electron microscope does not penetrate successive planes in a thick sample.

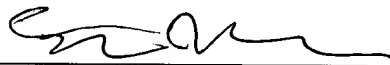
Further, the specimen examined in an electron microscope, such as Kakibayashi et al. essentially looks at and scans the surface of such specimen, which is always in-focus because of the inherently large depth of focus in scanning electron microscopes. Hence there is no concern in Kakibayashi with the problem which is addressed by the present invention, and which therefore provides unique means for solving that problem. What Kakibayashi actually is concerned with is the conventional mode of using an electron beam to scan the sample, in which one looks at different angles of an object that is already in-focus. Kakibayashi et al. use the differing two dimensional views to construct a three dimensional representation of the specimen. In Kakibayashi et al. such scanning results in an image showing the "surface" of the very thin specimen "in three dimensions", in the sense that one can look at that surface

not merely from a normal view, but also for example from the sides of the surface.

Applicant thus reiterates here that a careful reading of the limitations now present in the entirety of Applicant's claims will render clear that the limitations now imposed by Applicant to define their invention are distinct, and simply cannot be deemed present in the electron scanning microscope of the Kakibayashi et al. reference.

In view of the foregoing amendments and remarks, it is deemed that as now presented all claims are fully and patentably distinguished from the cited prior; and accordingly favorable reconsideration and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,



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